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Attorneys for Defendant Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CYWEE GROUP LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 3:14-cv-01853-HSG-HRL

**STIPULATION AND ~~PROPOSED~~
ORDER PERMITTING LIMITED
DEPOSITIONS IN JANUARY 2017
PURSUANT TO CIVIL L.R. 6-2
AND 7-12**

Hon. Haywood S. Gilliam, Jr.

1 The parties in this case have been working to complete discovery with minimal intrusion to
 2 potential witnesses, especially third-party witnesses. The parties have subpoenaed several third-
 3 party witnesses who have indicated that they are unavailable before the December 16 fact discovery
 4 cutoff, but are available to be deposed in January. (Dkt. 95.) For the convenience of the witnesses,
 5 the parties wish to conduct depositions of only the following third-parties in January: (1) Xsens/Per
 6 Slycke, (2) STMicroelectronics, (3) Broadcom, (4) NXP, (5) Eric Bachmann, (6) Sinan Karahan,
 7 (7) Caleb Chamberlain, and (8) Marv Su. In addition, due to scheduling difficulties, CyWee wishes
 8 to depose (9) Kaiann Drance, (10) Brian King, and (11) Apple's Corp. Rep. on Noninfringement and
 9 NXP in January. The parties also previously agreed to allow the Apple Corp. Rep. on Licensing
 10 deposition to take place following resolution of the parties' discovery dispute. (Dkt. 119).

11 The parties anticipate that a majority of these depositions would be completed by January 20,
 12 2017, and no other deadlines would need to be moved. Civil L.R. 6-2(a)(3). The Court previously
 13 granted modifications of deadlines relating to claim construction and other deadlines. (Dkt. 46, 50,
 14 54, 80, 85, 95, 108.)

15
 16 IT IS SO STIPULATED:

17 Dated: December 12, 2016

/s/ Michael W. Shore

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Attorneys for Plaintiff CyWee Group Ltd.

Dated: December 12, 2016

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Attorneys for Defendant Apple Inc.

1 Pursuant to the parties' stipulation, the parties may take the depositions identified in their
2 stipulation on or before January 20, 2017.

3
4 IT IS SO ORDERED.

5
6 DATED: December 13, 2016

7 
Hon. Haywood S. Gilliam, Jr.
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per the Local Rules. I, Timothy S. Teter, am the ECF User whose ID and password are being used to file this Stipulation and Proposed Order Permitting Limited Deposition in January 2017 Pursuant to Civil L.R. 6-2 and 7-12. In compliance with Local Rule 5-1, I hereby attest that Michael E. Shore has concurred in this filing.

Cooley LLP

By: /s/ Timothy S. Teter

Attorney for Defendant, Apple Inc.

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12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 CyWee Group Ltd.,

16 Plaintiff,

17 v.

18 Apple Inc.,

19 Defendant.
20

Case No. 3:14-cv-01853-HSG-HRL

**DECLARATION OF TIMOTHY S.
TETER IN SUPPORT OF
STIPULATION AND PROPOSED
ORDER PERMITTING LIMITED
DEPOSITIONS IN JANUARY 2017
PURSUANT TO CIVIL L.R. 6-2
AND 7-12**

1 Pursuant to Civ. L.R. 6-2 and 7-11, I, Timothy S. Teter, hereby declare as follows:

2 1. I am a Partner at Cooley LLP and one of the lawyers representing Apple Inc.

3 2. The parties have subpoenaed the following: Xsens/Per Slycke,
4 STMicroelectronics, Broadcom, NXP, Eric Bachmann, and Caleb Chamberlain. CyWee has
5 indicated that it wishes to take depositions of Sinan Karahan, Kaiann Drance, Brian King,
6 Apple's Corp. Rep. on Noninfringement and NXP, and Apple's Corp. Rep. on Licensing.

7 3. Third-party witnesses Xsens/Per Slycke, Broadcom, NXP, and STMicroelectronics
8 are unavailable before the fact discovery deadline. Third-party witness Eric Bachmann was
9 subpoenaed regarding his work at the Naval Postgraduate School, and the parties have been
10 working with the Office of the Chief of Naval Research regarding the scope of the Bachmann
11 testimony. CyWee's counsel were unavailable for the dates that would work for third-party
12 witness Sinan Karahan, and Apple witnesses Kaiann Drance and Brian King.

13 4. Last week, CyWee indicated that it intends to call Marv Su, a former CyWee
14 employee, at trial to testify about interactions between Apple and CyWee in 2010 and 2012.
15 The parties disagree regarding whether those interactions were relevant or properly the subject of
16 any willfulness allegation in this case; but in any event, CyWee's disclosure of Mr. Su as an
17 expected trial witness requires Apple to take his deposition. Apple did not previously depose
18 Mr. Su because CyWee did not previously plead or disclose Mr. Su or the 2010 and 2012
19 interactions as a basis for willfulness (*e.g.*, Dkt. 1, 9, 87, 98-5) and did not supplement its initial
20 disclosures or otherwise identify Mr. Su as a potential trial witness until December 9, 2016.

21 5. Counsel for CyWee Group Ltd. and counsel for Apple Inc. met-and-conferred in-
22 person and exchanged emails regarding deposition scheduling.

23 6. The parties have stipulated to conduct only the following depositions in
24 January 2017, provided the Court agrees: (1) Xsens/Per Slycke, (2) STMicroelectronics,
25 (3) Broadcom, (4) NXP, (5) Eric Bachmann, (6) Sinan Karahan, (7) Caleb Chamberlain, (8) Marv
26 Su, (9) Kaiann Drance, (10) Brian King, and (11) Apple's Corp. Rep. on Noninfringement and
27 NXP. CyWee also wishes to take the deposition of (12) Apple's Corp. on Licensing after
28 resolution of the parties' discovery dispute. The parties anticipate that a majority of these

1 depositions would be completed by January 20, 2017, and that no other deadlines would need to
2 be moved. Civil L.R. 6-2(a)(3). The Court previously granted modifications of deadlines relating
3 to claim construction and other deadlines. (Dkt. 46, 50, 54, 80, 85, 95, 108.)

4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct.

6 Dated: December 12, 2016

/s/ Timothy S. Teter

Timothy S. Teter